



39. 30. 04

37 CFR 1.47

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Dutchover III

Application No.: 10/586,767

Art Unit:

Filed: 7/20/2006

Examiner:

Title: Method and Composition for Treating Sour Gas
and Liquid Streams

Attorney Docket No.: 50288

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37CFR 1.47

Dear Sir:

The inventor in the instant case, Mr. David Dutchover III, has refused to execute the declaration for the instant application. We believe that the inventor was found or reached through the address of his brother. Mr. Dutchover refuses to respond to us.

Earlier phone numbers and addresses for the inventor did not work at the time of the filing of the §371 US National Stage application. The inventor does call applicant's attorney from time to time, to inquire as to the status of the invention. He will not call Mr. DeLoach, to whom he assigned the application. The inventor also will not now give us a current phone number or address. The inventor's brother did agree that he would forward papers to Mr. David Dutchover III if they were sent to the brother.

After having sent the relevant papers to the inventor, care of his brother, see attached, no response has been received. We believe this is a case of an inventor who now refuses to sign a declaration. Mr. DeLoach confirms that he is not surprised.

Attached please find a copy of the documents forwarded to the inventor, through his brother, for signature. It is clear from those documents that the inventor has assigned to Mr. John E. DeLoach, as well as has contractually agreed to execute necessary documents. Mr. DeLoach has assigned his rights to Paradigm Processing Group, LLC, a company that he owns and of which he is an officer.

Mr. John E. DeLoach, therefore on behalf of himself and on behalf of Paradigm Processing Group, LLC, hereby petitions the Commissioner to accept this §371 application without a declaration signed by inventor Mr. David Dutchover, III.

Applicant's attorney attests that Mr. David Dutchover was very active in the filing of the PCT application, of which this is §371 US National Stage.

Applicant believes that acceptance of the application without a signed declaration from Mr. Dutchover is necessary to preserve the rights of the assignees and to prevent irreparable damage.

The fee set forth in §1.17(g) is attached.

The last known address of the inventor is given below. This in fact is believed to be the address of the inventor's brother. Applicant believes that the inventor receives all papers sent to him in behalf of his brother.

David Dutchover, III
c/o Jim Dutchover
2433 South Eddy
Pecos, TX 79772

Respectfully Submitted,

9/17/06
Date

Sue Z. Shaper

Reg. No. 31663

Sue Z. Shaper
1800 West Loop South, Suite 1450
Houston, Texas 77027

Tel. 713 550 5710



Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

		Application Number	10/586,767
		Filing Date	Jul 20, 2006
		First Named Inventor	Dutchover III, David
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	50288

ENCLOSURES (Check all that apply)

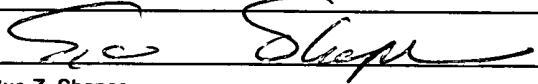
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Petition Under CFR 1.47	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<i>Petition</i>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<i>Check</i>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	<i>Attachments</i>
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks It is believed that no request for extension of time or fees are due. Notwithstanding, the Commissioner is authorized to charge any additional fees incurred or credit any overage to Deposit Account No.50-1753 (50288). Please regard this as a further request for extension of time to the extent one is needed. (Customer Account Number 22929)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	Sue Z. Shaper		
Date	September 18, 2006	Reg. No.	31663

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage via Express mail EV 785081085 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature		
Typed or printed name	Sue Z. Shaper	Date
		September 18, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



SUE Z. SHAPER, P.C.

INTELLECTUAL PROPERTY
1800 WEST LOOP SOUTH, SUITE 1450
Houston, Texas 77027

CHRISTIE THOMAS
LEGAL ASSISTANT: (713) 840-9100
Fax #: 713-550-5709

July 26, 2006

Mr. David Dutchover
2433 South Eddy
Pecos, Texas 79772
USA

CONFIDENTIAL - ATTORNEY/CLIENT COMMUNICATION

Re: Declaration in regard to your PCT Application for Method and Composition for Treating Sour Gas and Liquid Streams. Our Ref: 50288

Dear David:

Attached please find a Declaration in regard to the above referenced application along with copy of the published PCT application.

Please read, execute and return as soon as possible to the office of Sue Shaper:

Sue Z. Shaper, PC
1800 West Loop South, Suite 1450
Houston, Texas 77027

When you assigned your ownership and rights to John you agreed to execute any documents that become necessary. A copy of your assignment is attached.

If you have any questions, please let us know.

Very truly yours,

Sue Z. Shaper

SZS:cmt
Attachments

PATENT APPLICATION**ATTORNEY DOCKET NO. 50288****DECLARATION
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name;
I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method and Composition for Treating Sour Gas and Liquid Streams, a copy of the specification of which is attached hereto. The application was filed on 1/21/2005 as PCT International Application Number PCT/US05/002038, and

claimed the benefit under Title 35, United States Code, Section 119(e) of the United States provisional application listed below.

APPLICATION SERIAL NUMBER	FILING DATE
60/538,746	1/23/2004

I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56, copy attached.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: David Dutchover III Citizenship: US

Residence: 2433 South Eddy, Pecos, Texas 79772

Post Office Address: Same

Inventor's Signature

Date

Paradigm Processing Group, LLC
7801 N. Shepherd Drive, Suite 106
Houston, Texas 77008

July 25, 2006

Mr. David Dutchover
2433 South Eddy
Peros, Texas 79772
USA

Re: Application for Method and Composition for Treating Sour Gas and Liquid Streams.

Dear David:

Sue Shaper relayed to me, after she located you through your brother Jim, that you would like to hear from me in regard to the progress of the patent application.

We are proceeding with the application in the United States. I understand that Sue is forwarding to you a Declaration for your signature and return. She agreed to forward this letter with it.

Best wishes,


John DeLoach
President
Paradigm Processing Group, LLC

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

<>

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

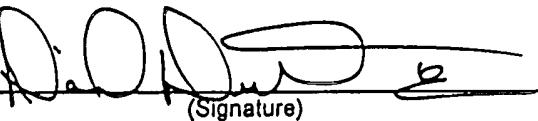
(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

[42 FR 5593, Jan. 28, 1977; paras. (d) & (e) - (i), 47 FR 21751, May 19, 1982, effective July 1, 1982; para. (c), 48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; paras. (b) and (j), 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; paras. (d) and (h), 50 FR 5171, Feb. 6, 1985, effective Mar. 8, 1985; para. (e), 53 FR 47808, Nov. 28, 1988, effective Jan. 1, 1989; 57 FR 2021, Jan. 17, 1992, effective Mar. 16, 1992; para. (e) added, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]

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ASSIGNMENT OF APPLICATION		Docket Number(Optional) 50225/ 50233
<p>Whereas, I, <u>David Dutchover III</u> of <u>Houston, Texas</u>, hereafter referred to as applicant, have invented certain new and useful improvements in <u>Method and Composition for Treating Sour Gas and Liquid Streams</u></p> <p><input checked="" type="checkbox"/> for which an application for a United States Patent was filed on <u>1/21/05</u>, Application Number <u>PCT/US 05/02038</u> and for which an underlying provisional application was filed in the US PTO on 1/23/03, Serial No 60/538,748.</p> <p><input type="checkbox"/> for which an application for a United States Patent was executed on _____, and</p> <p>Whereas, John E. DeLoach of <u>Texas</u> herein referred to "assignee" whose mailing address is <u>P.O. Box 220 Eaisetta, Texas 77533</u> is desirous of acquiring my entire right, title and interest in the same;</p> <p>Now, therefore, in consideration of the sum of <u>Ten</u> dollars (\$10.00), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee all of my right, title, and interest to the said invention in the United States and all foreign countries and my entire right, title and interest in and to any and all Patents which may be granted therefore in the United States and any and all foreign countries. I hereby authorize and request the Director of the U.S. Patent and Trademark Office to issue said United States Patent to said assignee of my entire right, title, and interest in and to the same, for his sole use and behalf; and for the use and behalf of his legal representatives, and assigns to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made. At assignee's reasonable expense I agree to execute any further documents receiving to effect the full assigned herein.</p> <p>Executed this <u>15</u> day of <u>March</u>, 2005 at Houston, Texas.</p> <p style="text-align: right;"> (Signature)</p> <p style="text-align: right;"><u>David Dutchover III</u></p> <p>State of Texas § SS: County of Harris §</p> <p>Before me personally appeared <u>David Dutchover III</u> and acknowledged the foregoing instrument to be his free act and deed this <u>15th</u> day of <u>March</u>, 2005.</p> <p>Seal  Notary Public - State of Texas</p> <p>Note: Signatures of all the inventors, assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one inventor is required. See below*.</p> <p><input type="checkbox"/> Total of _____ forms are submitted.</p>		